

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MICHAEL LOVE,

Plaintiff,

v.

METHODIST HOSPITALS,

Defendant.

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) No. 2:20-cv-02747-TLP-atc
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ORDER ADOPTING THE REPORT AND RECOMMENDATION

Pro se Plaintiff, Michael Love, sued Defendant, Methodist Hospitals, for violations of Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967. (ECF No. 1.) Under Administrative Order 2013–05, the Court referred this case to Magistrate Judge Annie Christoff (“Judge Christoff”) for management of all pretrial matters.

A few months later, and at the screening phase, Judge Christoff issued a Report and Recommendation (“R&R”), recommending the Court dismiss Plaintiff’s claims under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim. (ECF No. 7.) Judge Christoff also recommended that the Court give Plaintiff an additional thirty days to amend his complaint and then to subject that complaint to another round of screening. (*Id.*) This Court agreed and then adopted Judge Christoff’s R&R. (ECF No. 9.)

Plaintiff later moved for a ninety-day extension to file his amended complaint (ECF No. 11), which this Court granted (ECF No. 12). But at the end of that ninety-day extension, Plaintiff asked the Court for another ninety days to amend his complaint. (ECF No. 13.) Judge

Christoff granted Plaintiff's motion in part, giving Plaintiff an additional forty-five days to amend. (ECF No 14. at PageID 43.)

Afterwards, Plaintiff filed a notice that he intended to amend his complaint, but failed to attach the amended document. (ECF No. 15.) Judge Christoff noted Plaintiff's error and gave him an additional thirty days to amend his complaint. She also emphasized that Plaintiff's "[f]ailure to file an amended complaint by April 11, 2022, will result in the dismissal of this case pursuant to the Order Adopting Report and Recommendation and pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute." (ECF No. 16 at PageID 47.)

Plaintiff did not amend his complaint and his time to do so has expired. In fact, his time to do so expired about ninety days ago. (*See id.*) As a result, Judge Christoff recommended that this Court dismiss Plaintiff's complaint without prejudice. (ECF No. 17.)

Plaintiff did not object to Judge Christoff's R&R. And so after reviewing the record and the R&R, the Court agrees with Judge Christoff and finds no clear error with her reasoning. The Court, therefore, **ADOPTS** Judge Christoff's R&R and **DISMISSES** Plaintiff's complaint without prejudice.

SO ORDERED, this 15th day of August, 2022.

s/Thomas L. Parker
THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE